

MEMORANDUM

Agenda Item No. - 11(A) (13)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 18, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution opposing SB 772
and HB 353 or similar legislation
related to the Miami-Dade
Expressway Authority ("MDX")
that would, among other things,
rescind the toll rate structure
approved by MDX, prohibit
MDX from increasing tolls or
establishing new tolls, prohibit
partnerships with other
governmental agencies, and
shift the majority of board
appointments from the County
to the State

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 18, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.11 (A) (13).

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A) (13)
3-18-14

RESOLUTION NO. _____

RESOLUTION OPPOSING SB 772 AND HB 353 OR SIMILAR LEGISLATION RELATED TO THE MIAMI-DADE EXPRESSWAY AUTHORITY ("MDX") THAT WOULD, AMONG OTHER THINGS, RESCIND THE TOLL RATE STRUCTURE APPROVED BY MDX, PROHIBIT MDX FROM INCREASING TOLLS OR ESTABLISHING NEW TOLLS, PROHIBIT PARTNERSHIPS WITH OTHER GOVERNMENTAL AGENCIES, AND SHIFT THE MAJORITY OF BOARD APPOINTMENTS FROM THE COUNTY TO THE STATE

WHEREAS, Senate Bill 772 ("SB 772") and House Bill 353 ("HB 353") have been filed during the 2014 session of the Florida Legislature by Senator Rene Garcia (R – Miami) and Representative Jeanette M. Nuñez (R - Miami), respectively; and

WHEREAS, the Miami-Dade Expressway Authority ("MDX") was created by the Board of County Commissioners of Miami-Dade County in 1994 pursuant to state law to serve as an innovative transportation agency dedicated to the enhancement of mobility in Miami-Dade County, and to establish local control and retain the toll revenues generated in the County for infrastructure improvements and maintenance of five expressways within the MDX system; and

WHEREAS, MDX has been tasked with re-investing the funds generated from tolls and user fees in order to maintain, operate, and enhance its expressway system; and

WHEREAS, MDX does not receive federal funds or money from the State Transportation Trust Fund, nor does it receive funds from any gas tax, property tax, impact fees, or transit tax; and

WHEREAS, MDX approved toll rates for State Road 836 ("SR 836") and State Road ("SR 112") to fund its Five-Year Work Program, which includes implementation of Open Road Tolling ("ORT"), an initiative that would replace the current toll collection scheme with a more equitable system requiring users to pay for the portion of the highway that they utilize; and

WHEREAS, implementing ORT on SR 836 and SR 112 would potentially generate millions of dollars of net revenue annually that could be bonded to fund a substantial portion of MDX's Five-Year Work Program; and

WHEREAS, implementation of ORT on SR 836 and SR 112, and the corresponding toll adjustments, has been delayed to 2014 due to the downturn in the local and national economies, while the application of the Consumer Price Index inflation adjustment has been similarly delayed and will not be implemented until 2018 at the earliest; and

WHEREAS, while implementation of MDX's new toll rate structure and policy has been delayed, the Florida Legislature has nonetheless allowed for significant increases in toll rates for express lanes on I-95 and on the Florida Turnpike System within Miami-Dade County; and

WHEREAS, there is concern that while toll revenues collected locally on the MDX system are re-invested in infrastructure improvements and maintenance within Miami-Dade County, the tolls and recent toll increases approved by the Florida Legislature on the I-95 express lanes and the Florida Turnpike System collected locally might be used for improvements throughout the State and not directly re-invested within the County; and

WHEREAS, MDX has indicated that SB 772 and HB 353 could undermine its mission and goals by:

- Prohibiting future toll increases to fund the Five-Year Work Program;
- Rescinding the approved toll rate structure on SR 836 and SR 112;

- Rescinding MDX's right to set tolls in perpetuity per transfer agreement;
- Requiring that any index toll adjustments be approved by the Board of County Commissioners by supermajority vote;
- Requiring that all net excess revenue be used for decreasing debt;
- Prohibiting new debt issuance after July 1, 2014;
- Restructuring MDX's board by shifting the majority of appointments from the County to the State;
- Prohibiting MDX board members from serving on multiple transportation boards;
- Prohibiting MDX from partnering on projects with other transportation and municipal agencies, to which MDX has contributed substantial funds to advance transportation projects within Miami-Dade County;
- Jeopardizing MDX's credit worthiness and potentially causing a credit-rating downgrade, to the detriment of Miami-Dade County residents; and

WHEREAS, this Board wishes to express its opposition to SB 772 and HB 353 and any similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes SB 772 and HB 353 or similar legislation related to the Miami-Dade Expressway Authority ("MDX") that would, among other things, rescind the toll rate structure approved by MDX, prohibit MDX from increasing tolls or establishing new tolls, prohibit partnerships with other governmental agencies, and shift the majority of board appointments from the County to the State.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate against the passage of SB 772 and HB 353 or similar legislation, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



James Eddie Kirtley

